

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.

d/b/a BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

V.

CIVIL ACTION

NO. 04 11402 NMG

HARLEY-DAVIDSON MOTOR COMPANY, INC.)

and BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

DEFENDANTS' MOTION FOR PROTECTIVE ORDER

Defendants Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC (collectively “Harley-Davidson”) hereby move, pursuant to Fed. R. Civ. P. 26(c) and Local Rule 37.1, for a protective order (a) limiting the scope of a 30(b)(6) deposition noticed by Plaintiff Cycle-Craft Co., Inc., d/b/a Boston Harley-Davidson/Buell (“Cycle-Craft”), (b) continuing the deposition until such time as the parties brief the objections concerning the deposition and the Court rules on them and (c) requiring the deposition to take place in Milwaukee, Wisconsin, the place where the 30(b)(6) witnesses live and work.

For the reasons set forth in the attached Memorandum in Support of Defendants' Motion for Protective Order, Harley-Davidson respectfully requests that this Court allow its Motion for Protective Order and issue an Order in the form attached to this Motion.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for Harley-Davidson certify that they have conferred with counsel for Cycle-Craft and have attempted in good faith to resolve or narrow the issue.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Harley-Davidson hereby requests oral argument on its Motion for Protective Order.

**HARLEY-DAVIDSON MOTOR COMPANY, INC.,
and BUELL DISTRIBUTION COMPANY, LLC**

By their attorneys,

/s/ Serena D. Madar

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| _____ |) | |
| CYCLE-CRAFT CO., INC. |) | |
| d/b/a BOSTON HARLEY-DAVIDSON/BUELL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION |
| |) | NO. 04 11402 NMG |
| HARLEY-DAVIDSON MOTOR COMPANY, INC.) |) | |
| and BUELL DISTRIBUTION COMPANY, LLC, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

[PROPOSED] ORDER

IT IS HEREBY ORDERED, this ____ day of _____, 2004 that the following restrictions and procedures shall apply to the 30(b)(6) depositions of Defendants' representatives:

1. The 30(b)(6) deposition noticed by Plaintiff for November 22, 2004 shall be postponed until such time as Defendants' objections are briefed by the parties and ruled upon by the Court;

2. Topics 3, 5, 6, 7, 8, 13, 14, 15, 16 and 17 are stricken from the notice without prejudice to a later showing that such topics are reasonably calculated to lead to the discovery of admissible evidence;

3. All topics are limited to the time period August 1, 2000 to the present, without prejudice to a later showing that earlier information is reasonably calculated to lead to the discovery of admissible evidence.

4. The 30(b)(6) depositions shall take place at a date to be agreed on by the parties in Milwaukee, Wisconsin; and

5. Defendants will designate and identify appropriate representatives within 10 days of receiving rulings on their individual objections to the subject matters listed on Schedule A of the 30(b)(6) deposition notice. The parties shall meet and confer within 10 days of receiving Defendants' designations in order to schedule mutually agreeable dates and times for the depositions. If the parties cannot agree on dates and time, the Court will intervene as necessary. Plaintiff shall consolidate witnesses to the best of its ability so as to avoid multiple depositions of each individual witness.

SO ORDERED:

Judge Nathaniel M. Gorton